



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5720
Ser BPMOW.jbs/132
May 1, 2019

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
962 Wayne Avenue, Suite 610
Silver Spring, MD 20910

Dear Mr. Ruch:

This letter responds to your Freedom of Information Act (FOIA) request of November 29, 2018 in which you seek the following:

- 1) Records reflecting the current radiological remediation standard to be applied to the radiological remediation of Site 12 and the other radiologically impacted areas of the island yet to be remediated;
- 2) Communications related to the Navy's commitment to the City of San Francisco and/or the Treasure Island Redevelopment Authority to remediate Site 12 and other radiologically impacted areas of the island to "free release" levels – i.e., levels allowing for unrestricted use of the land, from the period January 1, 2012 to present;
- 3) Any analysis as to whether "free release" can or cannot be achieved in any of the remaining radiologically impacted areas of the island, including Site 12; and
- 4) Documents and communications related to protective measures currently proposed to ensure there is no continuing risk to human health and the environment from exposure to the radiological isotopes found to at Treasure Island in the event that not all areas are remediated to "free release" levels.

Your request was received by this office on November 29, 2018 and assigned file number DON-Navy-2019-001660. A partial group of responsive records was provided to you on January 11, 2019 in the form of a link to the Administrative Record for the former Naval Station Treasure Island that includes documents available to the public that form the basis for the selection of environmental response actions. Additional records will be released in phases if determined to be responsive. The processing of your request continues and we anticipate completion of the response by January 10, 2020.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA Online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

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The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA Online) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Sarah Ann Moore who may be contacted at sarah.moore@navy.mil or 619-524-5727.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly A. Ostrowski', with a long horizontal line extending to the right.

KIMBERLY A. OSTROWSKI
Director